

From: bettendorf
To: Microsoft ATR
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Subject: Comments re proposed settlement

I am both a corporate user and policy-maker regarding Microsoft products, and a personal consumer . I find deeply disturbing and negligent the proposed settlement the United States Department of Justice has made with regard to Microsoft's illegal, monopolistic behavior.

The proposed settlement does nothing regarding remedy for past illegal activities on Microsoft's part. Put baldly, in civil court, Microsoft, with in excess of US\$30 BILLION in cash and liquid assets, can well afford to excessively encumber any attempts at recovery by plaintiffs, perhaps to the point of rendering such attempts moot by virtue of plaintiffs' more limited financial resources.

Microsoft has been convicted before of similar, anti-competitive behavior. The remedies reached in the past have done little or nothing to modify either its behavior or its basic attitude towards the legal rights of its competitors. Past behavior demonstrates a complete unwillingness on the part of Microsoft to endorse either the spirit, or the terms, of any remedy.

Microsoft's past behavior has eliminated numerous directly competitive and potentially competitive products. Their claimed justification for their actions, product innovation and market enhancement, is false. They have deliberately and illegally destroyed competing operating systems, applications, and utilities by manipulation of necessary technical interfaces to their products and by extorting distribution channels into denying access to the marketplace to such competing products.

Microsoft's industry domination has become a direct threat to the economic and technical health of our economy. It's current .NET initiative attempts, in the face of its conviction, to tie its operating system and integrated development environment to ALL electronic commerce. All such transactions would be directly monitored and their access controlled by centrally-located Microsoft servers. Even transactions having nothing to do with a Microsoft product or service would be forced to be completed on Microsoft-run computers in communication with Microsoft servers. A more insidious degree of control is difficult to imagine.

At the same time, Microsoft has demonstrated itself even just on technical merits to be completely unworthy of such control. Its Passport personal data storage mechanism, which it is increasingly FORCING its users to use in order to gain basic services with regard to its own products, has, despite Microsoft's assurances of security, already been compromised completely. Computer experts have demonstrated the ability to retrieve ALL of a Passport user's personal data: Name, address, full credit card information, and any other stored data, using a simple exploit that works over the Internet.

Of course, the Court must concern itself with circumstances germane to the case at hand and not necessarily with potential future problems. Nonetheless, Microsoft's current behavior belies its sincerity in entering into any settlement. It is not interested in acting within the limits of the law, and as such, the proposed settlement does not adequately resolve its current conviction.